

ATTORNEY FILE NO. 980457.ORI

**DECLARATION, POWER OF ATTORNEY, AND PETITION**

As below named inventors, we hereby declare that: our residences, post office addresses and citizenships are as stated below next to our names; that we verily believe we are the original, first and joint inventors of the subject matter which is claimed and for which a patent is sought on the invention entitled "CARDIAC RHYTHM MANAGEMENT SYSTEM WITH OPTIMIZATION OF CARDIAC PERFORMANCE USING HEART RATE", the specification of which is attached hereto.

We hereby state that we have reviewed and understand the contents of the specification including the claims as amended by any amendment specifically referred to in the Oath or Declaration.

We acknowledge the duty to disclose information which is material to patentability in accordance with Title 37, Code of Federal Regulations, Section 1.56.

We hereby appoint NIKOLAI, MERSEREAU & DIETZ, P.A., a professional association, consisting of the following attorneys/agents and the following attorneys/agents individually: Thomas J. Nikolai, Registration No. 19,283, Charles G. Mersereau, Registration No. 26,205, Paul T. Dietz, Registration No. 38,858, Steven E. Kahm, Registration No. 30,860, Kimberly S. Zillig, Registration No. P46,346 and Kevin W. Cyr, Registration No. 40,976 of 820 International Centre, 900 Second Avenue South, Minneapolis, Minnesota 55402-3325; Telephone No. (612) 339-7461, and hereby appoints the following attorneys/agents individually: Richard R. Clapp, Registration No. 31,751 and Tyler L. Nasiedlak, Registration No. 40,099 of 4100 N. Hamline Avenue, St. Paul, Minnesota 55112-5798; Telephone No. (651) 638-4000 our attorneys/agents with full power of substitution and revocation to prosecute this application and transact all business in the Patent and Trademark Office connected herewith.

Please direct all telephone calls and correspondence to: C. G. Mersereau, Esq. at NIKOLAI, MERSEREAU & DIETZ, P.A., 820 International Centre, 900 Second Avenue South, Minneapolis, Minnesota 55402-3325.

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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